

REMARKS/ARGUMENTS

Claims 1-12, 14-20, 22-26, 35-38 and 44-47 are pending in the present application. By this reply, claims 13, 21, 27-34, and 39-43 have been cancelled and new claims 44-47 have been added. Claims 1, 16, and 44 are independent claims.

The specification and claims have been amended to clarify the invention and to correct minor informalities according to U.S. practice. These modifications are fully supported by the original disclosure and do not add new matter.

35 U.S.C. § 103 Rejections

Claims 1-11, 14-25, and 28-43 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mao et al. (U.S. Patent No. 6,459,427) in view of Eldering et al. (U.S. Patent No. 6,820,277). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Without acquiescing to any of the allegations made by the Examiner in rejecting these claims, independent claims 1 and 16 have been amended. Independent claim 1 as amended recites, *inter alia*, “a content provider (CP) interface to receive, from a content provider unit, a specification of digital content...and an insertion schedule by which said digital content is to be inserted..., wherein said digital content pertains to data broadcasting”; and independent claim 16 as amended recites, *inter alia*, “a content provider unit comprising: an insertion schedule generator to generate a specification of digital content to be inserted into said broadcast system and an insertion schedule by which said digital content is to be inserted, wherein said digital content pertains to data broadcasting”.

Regarding independent claims 1 and 16, the Examiner correctly acknowledges that Mao et al. does not specifically teach the insertion schedule and the transfer of the digital content according to the insertion schedule. Thus the Examiner further relies on Eldering et al. and asserts that Eldering et al. teaches this missing feature of Mao et al. Applicants respectfully disagree.

Eldering et al. as shown in Fig. 1 discloses an Ad Management System (AMS) 100 for managing sales and insertion of targeted advertisements into avails. The AMS 100 receives ads (content) and ad characteristics from advertisers (content providers), and automatically matches the ads to the avails. However, in Eldering et al., the actual insertion schedule for insertion of the ads is not provided by the content providers (advertisers), but is computed within the AMS 100. In other words, there is no content provider unit in Eldering et al., which supplies both the specification of the digital content and the insertion schedule for the insertion of the digital content, wherein the digital content pertains to data broadcasting, as required by claims 1 and 16.

Therefore, even if the references were combinable, assuming *arguendo*, the combination of references would still fail to teach or suggest at least the above-noted feature recited in independent claims 1 and 16 and their dependent claims (due to the dependency). Accordingly, the rejection is improper and must be withdrawn.

Claims 12-13 and 26-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mao et al (U.S Patent No. 6,459,427) in view of Eldering et al. (U.S Patent No. 6,820,277) as applied to claim 1, and further in view of Lewis (U.S Patent Publication No. 2005/0298667). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As discussed above, the combination of Mao et al. and Eldering et al. fails to teach or suggest at least the above noted feature recited in independent claims 1 and 16 from which claims 12-13 and 26-27 depend. Further, Lewis does not overcome this deficiency in the Mao-Eldering combination since Lewis is merely relied on for teaching an account hierarchy. Thus

the combination of references as applied by the Examiner fails to teach or suggest the invention as recited in claims 1 and 16 and their dependent claims (due to the dependency). Accordingly, the rejection is improper and must be withdrawn.

CONCLUSION

For the foregoing reasons and in view of the above clarifying amendments, the Examiner is respectfully requested to reconsider and withdraw all of the objections and rejections of record, and to provide an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees. In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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